

- Meeting

The Regular Meeting of the Harmony Township Committee was called to order by Mayor Tipton. Mr. Tipton made the following announcement: “Adequate notice of this meeting was given in accordance with the Open Public Meetings Act by providing a notice of the meeting to the Star Gazette and The Express-Times, posting a copy thereof on the Township bulletin board and filing a copy thereof in the office of the Municipal Clerk.” The Pledge of Allegiance to the American Flag was led by the Mayor.
- Roll Call

Present Mayor Tipton, Deputy Mayor Yamrock and Committeeman Cornely.
- NJSP

Troopers from the NJSP barracks were present. They reported to the Committee that there have been several break-ins again in the area including homes and vehicles. They want to spread the word to the residents. The Committee thanked them for their continued work in the Township and also for keeping on top of the activities in the Brainards area. The NJSP indicated that they have been trying to do their bests with the situation in Brainards and feel it has gotten better and will continue to increase patrols in the area.
- Consent Agenda

Motion by Tipton, seconded by Yamrock and carried unanimously to approve the following items as discussed under the consent agenda:

Road Department Report

Minutes 8/17/15

W.C. Health Department

Zoning Report

Attorney Report :

Attorney Campbell indicated other than what was on her written report there was nothing else except a matter for executive session which involved litigation and contract negotiations.

Engineer’s Reports :

Engineer Weber updated the committee on the paving project in Brainards. The residents will be notified via letter to be sent out by the clerk on the schedule and ask them to move vehicles from the roadways.

Mr. Weber asked the Committee if they wanted him to proceed with the Highlands Scope of Work for the Stormwater Management Plan which will be paid for by a grant from the Highlands. Motion by Tipton, seconded by Yamrock to authorize Engineer Weber to proceed with the work. Roll Call: Ayes: Cornely, Yamrock, Tipton. Nays: none

Mr. Weber updated the Committee on the progress of the reclamation being performed by Harmony Sand and Gravel in Hartung Pit #2. Reports provided by HS&G were discussed. Mr. Weber indicated that only about 20% of the required reclamation work has been accomplished to date and that he was not sure why they were not sticking to their schedule of activities that was agreed to. It was the consensus of the Committee that they were not satisfied by the amount of work being performed by Harmony Sand and Gravel and asked Mr. Weber to request their attendance at the November meeting.

Mr. Weber discussed the Reeder Road paving project for the NJDOT Grant Application.

Motion by Tipton, seconded by Yamrock and carried unanimously to adopt the following resolution:

Township of Harmony
Warren County, New Jersey
Resolution No.15-43

A Resolution Of Approval to submit a grant application and execute a grant Contract with the New Jersey Department of Transportation for the Resurfacing of Reeder Road project.

NOW, THEREFORE, BE IT RESOLVED that Council of Harmony Township formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Resurfacing of Reeder Road-00255 for Harmony Township to the New Jersey Department of Transportation on behalf of Harmony Township.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Harmony Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council
On this 6 day of October, 2015.

Clerk

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

(Clerk)

(Presiding Officer)

Engineer Duveneck was also present and reported to the Committee regarding the Transmix site and the fill being brought in at this time.

Mr. Duveneck also offered to speak with Habitat for Humanity Directors about the property that the Township is in the process of acquiring for a COAH home and that they would like to donate the property to Habitat for the development of such.

The following resolutions were included under the consent agenda:

R:15-39
HARMONY TOWNSHIP
WARREN COUNTY, NEW JERSEY

A RESOLUTION OF THE TOWNSHIP OF HARMONY, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 2013-002 ON BLOCK 5 LOT 15

WHEREAS, at the Harmony Township Municipal Tax Sale held on October 16, 2013 a lien was sold on Block 5 Lot 15 also known as 3061 River Road for 2012 delinquent taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 2013-002 was sold to US Bank Cust for Pro Capital III LLC for a premium or \$8,500.00 and recorded with the Warren County Clerks Office December 23, 2013 on Book 5976 Page 58; and

WHEREAS, Jane Heilman, homeowner as per Warren County Sheriff Sale held on 9/14/15, has satisfied the redemption amount on Certificate No.2013-002 in the amount of \$14,331.61

NOW, THEREFORE, BE IT RESOLVED on this 6th day of October 2015 that the Chief Financial Officer is authorized to issue a check in the amount of \$22,831.61 for the redemption of Tax sale Certificate No. 2013-002 to:

US BANK CUST FOR PRO CAP III LLC
50 SOUTH 16TH STREET SUITE 1950
PHILADELPHIA, PA 19102

CERTIFICATION

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Township Committee at a meeting held on Tuesday, October 6, 2015.

R:15-40
Harmony Township
Warren County, New Jersey

RESOLUTION OF THE TOWNSHIP OF HARMONY, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING BILLING OF VETERAN DEDUCTION
ERRONEOUSLY DEDUCTED ON BLOCK 42 LOT 5

WHEREAS, at the Tax Collector of Harmony Township was made aware in a September 25, 2015 based on their and investigation and the information the Tax Collector and Tax Assessors office had provided that for the years of 1999-2015 the Division of Taxation, Property Administration the owners of 1043 Broad Street Block 42 Lot 5 erroneously received a Veterans Deduction that was never removed on a home they purchased 9/30/1998.

WHEREAS, the Tax Collector has been advised to make a negative adjustment on the VE-WVE-1 in the amount of \$3,750.00 for the years 1999-2015. This amount is to be billed to the owners of Block 42 Lot 5 which will be due no later than 6/1/2016. There will be no interest on this billed amount until this time and will not be eligible for Tax Sale till after the same.

NOW, THEREFORE, BE IT RESOLVED on this 6th day of October that the Tax Collector is to bill Block 42 Lot 5 1043 Broad Street for amounts of \$3,750.00 due no later than 6/1/2016 and Tax Assessor should remove Veteran Deduction on said property for 2016.

CERTIFICATION

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Township Committee at a meeting held on Tuesday, October 6, 2015.

Kelley D. Smith

TOWNSHIP OF HARMONY
COUNTY OF WARREN, STATE OF NEW JERSEY
R:15-41

WHEREAS, the Township Committee of the Township of Harmony entered into the Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgement action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221, N.J. (2015) ("Decision"); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA ("Amendment") has been prepared to effectuate the modifications; an

WHEREAS, the Township Committee of the Township of Harmony recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Township Committee of the Township of Harmony has determined that it is in the best interests of the citizens of the Township of Harmony to approve the Amendment, and/or affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality of issues raised and associated with the continued implementation of the MSSDA;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Harmony, as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Harmony Township Clerk or Deputy Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Township Committee of the Township of Harmony hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Township of Harmony with Econsult Solutions, Inc. The Township Committee of the Township of Harmony hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Township of Harmony with the approval of the Township of Harmony's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.
4. The Township Committee of the Township of Harmony further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDAQ, Township of Harmony shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without farther action from the Township.
6. This Resolution shall take effect immediately.

Certification

I, Kelley Smith, Municipal Clerk for the Township of Harmony, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Committee at its October 6, 2015 meeting.

Kelley Smith

R:15-42
Harmony Township
Warren County, New Jersey

A Resolution Of The Township Of Harmony, County of Warren and State Of New Jersey Authorizing Cancellation and Refund for 100% Disabled Veteran Block 11, Lot 32

Whereas the resident at Block 11, Lot 32 has presented the necessary paperwork and was approved as a 100% Disabled Veteran as of July 31, 2015, and resident had already paid third quarter taxes as part of the closing of the property known as 701 Harmony Brass Castle Road; and

Whereas, the Harmony township Tax Assessor approved the deduction to change rate class effective July 31, 2015 to exempt; and

Now, Therefore, Be It Resolved on this 6th day of October 2015 that the Chief Financial Officer is authorized to issue a check in the amount of \$1,565.83 for the overpayment of 2015 taxes on Block 11, Lot 32 and the Tax Collector shall change rate class to exempt effective July 31, 2015:

William Jasolosky
701 Harmony Brass Castle Road
Phillipsburg, NJ 08865

Certification

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Township Committee at a meeting held on Tuesday, October 6, 2015.

Kelley Smith

Correspon- dence	<div>1. Invitation to Harker’s Hollow culinary tasting presentation</div> <div>2. Letter/invitation from W.C. Prosecutor’s Office to attend a community meeting</div> <div>3. 2014 Warren County Traffic Accident Summary Report (Report on file in the clerk’s office)</div>
New Business	<div>1. Approve repair/parts up to \$5,000 for the Lopatcong Sweeper that is utilized by Harmony Township under a shared service arrangement.<div>Motion by Tipton, seconded by Yamrock and carried unanimously to approve.</div></div> <div>2. The Best Practices Inventory was reviewed and discussed. It was the consensus of the Committee to submit as is.</div> <div>3. Discussion of 2016 Professional Appointments took place. It was the consensus of the Committee to offer the renewals in 2016 with non-fair and open contracts for the Municipal Attorney, Municipal Engineer’s, Municipal Planner and Municipal Auditor.</div>

- 4. Trick or Treat was set for Saturday, October 31st from 5-7 p.m.
- 5. Shared court contract will be discussed in executive session.

- Old Business
- 1. Discussion Millbrook Road Resurfacing Project options was held based on proposals received by:
 - ND Engineering
 - Finelli Consulting
 - Motion by Tipton, seconded by Yamrock and carried unanimously to award the project to Finelli Consulting based upon #2 option of their proposal.
 - 2. Salt Shed RFP’s Update was given by Engineer Weber and Committeeman Cornely. It was agreed to have Engineer Weber prepare the bid spec and advertise as necessary for the Salt Shed Proposal. The project will be either awarded or rejected at the next meeting based upon the proposals received.
 - 3. R:15-26; A Resolution of memorialization Harmony Sand and Gravel 2015 Quarrying Permit was carried to November meeting due to lack of progress with reclamation as discussed by the Engineer earlier in the meeting.
 - 4. Consideration of A Resolution Dedicating Recreational Field In Memory Of Nathaniel Haggerty was carried to November meeting (Jason Curreri to follow up).

Vouchers Motion by Yamrock, seconded by Cornely and carried unanimously to approve vouchers recommended for payment by the CFO.

Public No public comments at this time.
Comments

Executive Motion by Tipton, seconded by Yamrock to adopt the following
Session resolution:

**TOWNSHIP OF HARMONY
COUNTY OF WARREN
EXECUTIVE SESSION RESOLUTION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances present exist.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Harmony, County of Warren and State of New Jersey, as follows:

- 1. The public shall be excluded from discussion of and action upon the hereinafter specified matter.
- 2. The general nature of the subject matter to be discussed is as follows:
 - Contract Negotiations and Litigation
- 3. It is anticipated at this time that the above stated matter will be made public at such time as deemed appropriate.
- 4. This Resolution shall take effect immediately.

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution duly and unanimously adopted by the Harmony Township Committee at a meeting held on October 6, 2015.

Kelley D. Smith
Municipal Clerk

The meeting was reopened to the public.

Municipal Court	<p>Mayor Tipton discussed the shared municipal court proposal being offered by Belvidere. He indicated that this would be a large savings for Harmony Township compared to the Lopatcong agreement we are now under. It was his recommendation that we entertain the Belvidere proposal and ask them to provide the contract for signature and ask them to send it to the ACO for approval. He also recommended that we work under the Lopatcong contract on a month to month basis until approval from the ACO is received. Lopatcong will be notified by the Clerk of Harmony’s intentions to terminate the standing month to month agreement once approval is received and Mayor Tipton will coordinate with Belvidere.</p> <p>- Motion by Tipton, seconded by Yamrock to proceed with executing a shared services agreement for Municipal Court Services in the amount of \$22,000 between Harmony Township and the Town of Belvidere pending approval by the ACO. Roll Call: Ayes: Cornely, Tipton, Yamrock. Nays: None.</p>
Adjourn	<p>Motion to adjourn made by Cornely, seconded by Yamrock and carried unanimously.</p>

Respectfully submitted by

Kelley D. Smith, Municipal Clerk